

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ JAN 13 2017 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RAYMOND TORRES

Plaintiff,

[Insert full name of plaintiff/prisoner]

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

CV 17- 0293

JURY DEMAND

YES _____ NO ☒

-against-

POLICE OFFICER SCOTT McMASTER,
SHIELD #15295;
DOUGLAS MARQUEZ (ADA);
SUZANNE MONDO (JUDGE)

VITALIANO, J.

BLOOM, M.J.

Defendant(s).

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

- I. **Parties:** (In item A below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Raymond Torres

If you are incarcerated, provide the name of the facility and address:

Wyoming Correctional Facility
P.O. BOX 501
ATTICA, N.Y. 14011-0501

Prisoner ID Number: 16R2411

If you are not incarcerated, provide your current address:

Telephone Number:

B. List all defendants. You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

Scott McMaster Shield #15295

Full Name

Police Officer Tax No. 893367

Job Title

83rd Precinct Knickerbocker Ave

Brooklyn, N.Y.

Address

Defendant No. 2

Douglas Marquez

Full Name

Assistant District Attorney

Job Title

350 Jay Street

Brooklyn, N.Y. 11201 (718) 250-5269

Address

Defendant No. 3

Suzanne Mondo

Full Name

Honorable Judge (Part 28)

Job Title

Brooklyn Supreme Court

Address

Defendant No. 4

Full Name

Job Title

Address

Defendant No. 5

Full Name

Job Title

Address

II. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

Where did the events giving rise to your claim(s) occur? It started on the corner of Flushing Ave and Saint Nicolas Ave in Brooklyn, and extended through the course of my trial, until Aug. 2, 2016

When did the events happen? (include approximate time and date) These events started on Dec. 8, 2014 at approximately 3:50 a.m and lasted all the way through my sentence day of August 2, 2016.

Facts: (what happened?) Defendant #1, Police Officer Scott McMaster, shield #15295, of the 83rd Precinct, violated my fourth Amendment rights by conducting an illegal search and seizure on December 8, 2014, at 3:50 a.m., on the corner of Flushing Ave and Saint Nicolas Ave in Brooklyn. Search warrant was executed December 9, 2014 and returned with negative results. (See Exhibit #1)

Officer McMaster did also commits perjury under oath against me on the affidavit of the search warrant, at Grand Jury, at the Mapp Hearing, and also at trial. I have documents to support my claims at point of Discovery.

Defendant #2, Assistant District Attorney Douglas Marquez of Brooklyn Supreme Court has violated my eighth Amendment rights by his use of malicious prosecution. He has violated my 180.80, he has withheld evidence from defense as well as from the judge, and led witnesses on the stand.

Defendant #3, Honorable Suzanne Mondo, Part 28, Brooklyn Supreme Court, for failure to suppress evidence and for allowing the trial to continue after realizing McMaster lied under oath.
(claim continues, see attachment)

II.A. Injuries. If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

III. **Relief:** State what relief you are seeking if you prevail on your complaint.

I am seeking compensation in the amount of \$10 million dollars for the violations of my rights, for damages and property loss, as well as for my incarceration.

I declare under penalty of perjury that on _____, I delivered this
(date)
complaint to prison authorities at Wyoming Correctional Facility to be mailed to the United
(name of prison)
States District Court for the Eastern District of New York.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Jan. 8, 2017

Raymond Tones
Signature of Plaintiff

Wyoming Correctional Facility
Name of Prison Facility or Address if not incarcerated

P.O. Box 501
Attica, N.Y. 14011-0501

Address

16 R2411
Prisoner ID#

STATEMENT OF CLAIM (continued)

1- My claim arose on December 8, 2014, on the corner of Flushing Ave and St. Nicolas Ave, in Brooklyn, at 3:50 a.m. At this time I was a passenger in a 1998 Chevy S-10 black pick-up truck with a ladder rack, along with the driver of the vehicle named Juan Santiago, and another unknown individual to me at the time in the back seat. At this intersection mentioned above we were pulled over by a marked police car for no apparent reason, because no rules governing traffic were violated, and the driver was licensed, and the vehicle was properly registered and insured. No summons was issued.

2- At this time another police car arrived at the scene, which was occupied by police officer Scott M^CMaster and his partner officer Christopher Regolini, both of the 83rd precinct in Brooklyn. Officer M^CMaster was by the drivers side of our vehicle, while his partner was on my side shining his flashlight in my face. Unexpectedly officer Regolini drew his gun at me and we were all asked to get out of the vehicle, we then were handcuffed and made to sit at the edge of the sidewalk some distance from our vehicle, while police officer Errico from the first patrol car who pulled us over watched over us, while officer M^CMaster and the other officers searched our vehicle without consent of anyone who occupied the vehicle I was in, and without a search warrant, violating my 4th Amendment rights.

3- We were never told why we were pulled over, or why they were arresting us. I was transported against my will to the confinements of the 83rd precinct, in which officer M^CMaster was the arresting officer. I was confined and unlawfully imprisoned from 4:00 a.m. to 3:00 p.m. on December 8, 2014, without anyone picking me out of a line-up, photo array, or a show-up identification. At 3:00 p.m. on December 8, 2014, officer M^CMaster went to view video footage of an establishment that they said was burglarized. (The video's shown at trial does not show the

individuals face). After returning from viewing the video, officer M^CMaster returned to the precinct and charged me with Burglary in the 3rd degree.

4- I was unlawfully arrested and imprisoned at 3:50 a.m. for the reason that they had no valid probable cause to pull our vehicle over. Furthermore, if they received a 911 call, the caller is the complainant at the time, who should have come to make a positive identification. No one ever identified me. So, it is apparent that the search and seizure was illegal and in violation of my 4th Amendment rights.

5- Officer M^CMaster Knowing he conducted an illegal search he then tried to cover up his actions by applying for a search warrant later on that morning on December 8, 2014, but the items were already removed from the vehicle and taken into the precinct. Officer M^CMaster committed perjury under oath when he swore out the affidavit for the search warrant. The search warrant was executed the following day and a return on the warrant came back with negative results. I have enclosed a copy of the search warrant to support my claim and also to be entered as plaintiff's (exhibit #1).

6- After being arraigned in court while awaiting my Grand Jury proceedings, officer M^CMaster committed perjury again under oath at Grand Jury to justify a probable cause, and to justify his illegal search of the vehicle. He did this by implying that my description was given on the 911 call, and that the evidence was in open and plain view in the back bed of the pick-up truck. This is not true, and I have documents to support my claim, and prove his perjury under oath. This evidence I will also be entering as exhibits upon Discovery.

7- My Grand Jury proceedings were held on December 12, 2014, and the ADA was Douglas Marquez. I never signed or consented to waive my Grand Jury right to testify, yet I was never brought out in front of the Grand Jury and I was never indicted on December 12, 2014, on my 180.80 date. The laws states that if your not indicted on your 180.80 date, you must be released on ROR, or a bail is set that you

can make. Instead, I was never allowed to testify, I was never indicted on my 180.30 date, nor was I released on ROR. I was given an excessive bail of \$25,000. My 180.30 rights were violated as well as my 8th Amendment rights by setting an excessive bail and subjecting me to cruel and unusual punishment by the Department of Corrections, which I already have a claim against. This is a form of malicious prosecution on the behalf of ADA Douglas Marquez, because I have documentation proving I was indicted on January 14, 2015 at 4:49 p.m.

8- My Mapp Hearing was held on June 9, 2016, Part 28 in Honorable Suzanne Mondo's courtroom. On this day officer M^CMaster committed perjury again under oath by lying and saying my description was given on the 911 call, a person short, light skin Hispanic, wearing a maroon hoodie. He also lied about the description of the evidence found. I have documentation to also support this claim, which I will enter upon Discovery.

9- At this point during the Mapp Hearing, ADA Douglas Marquez served upon my attorney a copy of the search warrant we knew nothing about at the time. He never disclosed the warrant on his open file Discovery, which he was supposed to have marked. Another form of Mr. Marquez's malicious prosecution tactics. Judge Mondo notice the search and seizure was illegal and that the officer's conduct was unprofessional, but she granted probable cause based on officer M^CMaster's lying testimony of the descriptions given on the 911 call. Judge Mondo instead of suppressing the evidence, allowed it to be used for trial. What she didn't know at the time was that all evidence was returned to it's owners on December 9, 2014.

10- ADA Mr. Marquez knew that the testimony of the officer did not match the description of the 911 call, so he withheld the 911 call until trial. This was another form of malicious prosecution on Mr. Marquez's behalf. He withheld evidence from the Judge at the hearing, because he knew if she was to have read the 911 call, she would have never granted probable cause. The evidence would have been suppressed

and the case dismissed. Douglas Marquez never disclosed this 911 call in his open file Discovery either, he has also led his witnesses on the stand. I also have documentation to support my claim, and will also be entered as exhibits to prove his malicious prosecution.

11- On June 13, 2016, my trial was held. On this day officer M^CMaster's once again commits perjury under oath by lying about the events of my arrest and his reasons for searching the vehicle. All three of his testimonies shows contradictions and lies which I intend to prove. He never took pictures to preserve important evidence, he returned all physical evidence to owners the day after the arrest, no fingerprints or DNA evidence was taken to place me at the scene of said crime, he admits nothing pertaining to crime was found after warrant was executed, he admits being wrong about description of evidence, and he contradicts himself where he admits to opening a bag where said evidence was concealed, right after he said evidence was in plain view. I also have documentation to support this at time of Discovery.

12- Also, on June 13, 2016, at trial ADA Douglas Marquez, once again used malicious prosecution by submitting into evidence unofficial police pictures that were not intended for trial. These pictures were taken from Twitter social media, and were posted by the officers who pulled our vehicle over. They were posted on Twitter either on December 8th or 9th of 2014. They were posted to boast about the arrest they had made, and consisted of pictures of the physical evidence before it was returned. Officer M^CMaster had knowledge of these photos coming from social media. I intend to also support this claim upon Discovery.

13- At the ending of officer M^CMaster's cross examination by my defense attorney, after his contradictions and lies were exposed, Honorable Suzanne Mondo must have realize she erred in allowing the evidence into trial, and not suppressing it. She must have realized the perjury committed by officer Scott M^CMaster. She must

have realized ADA Douglas Marquez's use of malicious prosecution to secure a conviction, but she allowed it in her courtroom.

14- As the result of a illegal search and seizure, as well as perjury committed by officer M^CMaster, and the malicious prosecution used by ADA Douglas Marquez, and the error of Honorable Suzanne Mundo for not suppressing evidence or calling a mistrial, I was convicted by a jury that does not know anything about the law, and that did not want to serve on the panel in the first place. I was found guilty of Burglary in the third degree which carries a sentence of 3½ to 7, and of Grand Larceny in the third degree, which also carries a sentence of 3½ to 7.

When Judge Mondo asked ADA Douglas Marquez how much time is he looking to get out of me, he replied and said 3½ to 7 for both charges. Judge Mondo said "No, I'm giving him 2½ to 5."

Why would she sentence me to my plea bargain offer of 2½ to 5, unless if she knew I had been violated.

15- I have appealed my case to the appellate division, and my appeal has been granted. My appeal is pending, and I have enclosed a copy of it to support my claim, and to enter as one of my exhibits. This will be exhibit #2.

16- I am aware that it is unlikely for a judge to be sued. She might be exempt. But she did have a part to play because of the decisions she made. I do realize she may not be at fault because of her job position, and because it was officer M^CMasters perjury, and the malicious withholding of the 911 call by ADA Douglas Marquez, that swayed Mondo into making the wrong decisions.

17- But as a result of the violation of my 4th and 8th Amendment rights I have lost 2½ to 5 years of my freedom which is priceless. I lost my job working as an auto mechanic. I lost my furnished room with all my personal belongings, clothing, jewelry, etc. I also lost my van which I had purchased a week before my arrest, and I lost my relationship with a girlfriend I had at the time.

Also the cruel and unusual punishment I been subjected to under the Department of Corrections, which I already stated I have a claim pending, and finally the stress and the mental anguish I been put through. I am seeking compensation in the amount of \$10 million dollars for the violations of my rights and damages done unto me.

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

M220134

V/

RANDALL T. ENG, P.J.
REINALDO E. RIVERA
MARK C. DILLON
RUTH C. BALKIN
JOHN M. LEVENTHAL, JJ.

2016-08201

The People, etc., respondent,
v Raymond Torres, appellant.

DECISION & ORDER ON MOTION
Motion for Poor Person Relief
and to Assign Counsel

(Ind. No. 10111/14)

Motion by the appellant pro se for leave to prosecute an appeal from a judgment of the Supreme Court, Kings County, rendered July 13, 2016, as a poor person, and for the assignment of counsel.

Upon the papers filed in support of the motion and the papers filed in relation thereto,
it is

ORDERED that the motion is granted; and it is further,

ORDERED that the appeal will be heard on the original papers (including a certified transcript of the proceedings, if any) and on the appellant's and the respondent's briefs; the parties are directed to file nine copies of their respective briefs and to serve one copy on each other; and it is further,

ORDERED that the stenographer of the trial court is directed promptly to make, certify, and file two transcripts of the proceedings of any pretrial hearings, of the plea of guilty or of the trial, and of the imposition of sentence in this action, except for those minutes previously transcribed and certified (*see* 22 NYCRR 671.9); and it is further,

ORDERED that in the event that the case was tried to a conclusion before a jury, the stenographer shall also make, certify, and file two transcripts of the minutes of proceedings during jury selection; and it is further,

ORDERED that the Clerk of the trial court shall furnish one certified transcript of each of the proceedings set forth above to the appellant's counsel, without charge (*see* CPL 460.70); assigned counsel is directed to turn over those transcripts to the respondent when counsel serves the appellant's brief on the respondent; and it is further,

ORDERED that in the event the stenographer has already prepared a copy of any of

October 24, 2016

Page 1.

PEOPLE v TORRES, RAYMOND

(Exhibit # 2)

ORDERED that upon service of a copy of this decision and order on motion upon it, the Department of Probation is hereby authorized and directed to provide assigned counsel with a copy of the presentence report prepared in connection with the appellant's sentencing, including the recommendation sheet and any prior reports on the appellant which are incorporated in or referred to in the report, and to provide additional copies to this Court upon demand; and it is further,

ORDERED that in the event an issue as to the legality, propriety, or excessiveness of the sentence is raised on appeal, or if assigned counsel cites or relies upon the probation report in a brief or motion in any other way, counsel shall provide a complete copy of such report and any attachments to the Court and the District Attorney's office prior to the filing of such brief or motion; and it is further,

ORDERED that pursuant to County Law § 722 the following named attorney is assigned as counsel to prosecute the appeal:

Lynn W. L. Fahey, Esq.
Appellate Advocates
111 John Street - 9th Floor
New York, New York 10038

and it is further,

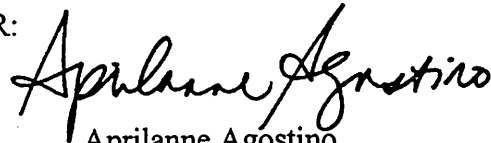
ORDERED that the appellant's time to perfect the appeal is enlarged; assigned counsel shall prosecute the appeal expeditiously in accordance with this Court's rules (*see* 22 NYCRR 670.1, *et seq.*) and written directions; and it is further,

ORDERED that in the event the file has been sealed, it is hereby unsealed for the limited purpose of allowing assigned counsel or his or her representative access to the record for the purpose of preparing the appeal; such access shall include permission to copy the papers insofar as they pertain to the appellant; and it is further,

ORDERED that assigned counsel is directed to serve a copy of this decision and order on motion upon the clerk of the court from which the appeal is taken.

ENG, P.J., RIVERA, DILLON, BALKIN and LEVENTHAL, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

Appellant's Address:

16-R-2411
Ulster Corr. Fac.
P.O. Box 800
Napanoch, NY 12458-0800

October 24, 2016

PEOPLE v TORRES, RAYMOND

JS 44 (Rev. 1/2013)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

RAYMOND TORRES 16R2411 WYOMING COR FAC P.O. BOX 501
ATTICA NY 14011-0501

(b) County of Residence of First Listed Plaintiff _____

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) _____

DEFENDANTS

P.O. SCOTT McMASTER, DOUGLAS MARQUEZ(ADA), SUZANNE MONDO (JUDGE)

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) _____

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|--|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated or Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 377 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42USC1983

Brief description of cause: _____

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE RAN/RAN

DOCKET NUMBER _____

DATE

01/13/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP

283

JUDGE

CNU

MAG. JUDGE

LB

EDNY Revision 1/2013

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, _____, counsel for _____, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☐ monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- ☐ the complaint seeks injunctive relief,
- ☐ the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? NO
- 2.) If you answered "no" above:
- a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? NO
- b) Did the events of omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? YES

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? _____

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☐ Yes ☐ No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐ Yes (If yes, please explain) ☐ No

I certify the accuracy of all information provided above.

Signature: _____